

Application No.: 09/816,839
Attorney Docket No.: TNX 00-04
Customer No.: 26839

REMARKS

Claims 19, 20, and 22-27 were examined. Applicants amend claims 19-20 and 25-27 to more particularly and distinctly claim that which Applicants regard as their invention. Applicants add new claims 36-37.

Applicants request Rejoinder of claims 28-30 and 32-35. Under MPEP § 821.04, if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined. In view of the amendment to claim 19, Applicants assert that claims 19, 20, 22-24, and 27 are allowable (claims 25 and 26 having already been allowed). The subject matter of claims 28-30 and 32-35, as amended, depend from allowable claims and pertains to the same scope as the allowable claims in compliance with §821.04.

I. Rejection Under 35 U.S.C. § 112, First Paragraph

A. Claim 20 has been rejected as lacking written description for the term "about". Applicants have amended claim 20 to delete this term, rendering this rejection moot. Therefore, Applicants request that the rejection be withdrawn.

B. Claim 27 has been rejected as lacking enablement for the term "pharmaceutical" composition. Applicants have amended claim 27 rendering this rejection moot. Therefore, Applicants request that the rejection be withdrawn.

II. Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 25 and 26 have been rejected as failing to particularly and distinctly claim that which Applicants regard as their invention. Applicants have amended claims 25

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and 26 to reflect the deposited cell line's Accession No. at the ATCC depository. In view of this amendment, Applicants request that the rejection be withdrawn.

III. Rejection Under 35 U.S.C. § 102(b)

Claims 19, 20, 23, and 27 have been rejected as anticipated by Anderson et al. (Biochem Soc. Trans. (1987) 15(4): 660-661). The Office alleges that Anderson's antibody need only "inhibit" a fraction at a ratio of 1:2.

Applicants have amended claim 19 and 20 to reflect that the antibody claimed is able to inhibit complement activation by greater than 50% at a ratio of 1:2. And contrary to the Office's assertion, Applicants have provided numerous examples of antibodies that significantly inhibit C2 mediated complement activation, all of which inhibit complement activation more than 50% (Figure 2). It is clear that Anderson's antibody is incapable of this level of inhibition at a ratio of 1:2, since at a seven fold molar excess the antibody was only able to achieve a 50% inhibition.

In view of the amendment of claims 19 and 20, and the foregoing remarks, Applicants submit that Anderson et al. does not anticipate the claimed invention and request that the rejection be withdrawn.

IV. Rejection Under 35 U.S.C. § 103(a)

A. Claims 19 and 24 have been rejected as being unpatentable over Anderson et al., in view of Janeway, Vakeva et al. and Stolzner.

In view of the amendment of claim 19 and the discussion in Section III above, Anderson et al. do not teach an antibody capable of inhibit complement activation by C2 at a ratio of 1:2 at an inhibition level greater than 50%. Thus, the primary reference

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does not provide sufficient disclosure to render the claimed invention unpatentable.

Thus, Applicants request that the rejection be withdrawn.

B. Claims 19 and 22 have been rejected as being unpatentable over Anderson et al., in view of U.S. Pat. No. 5,861,156, Vakeva et al. and Stolzner.

In view of the amendment of claim 19 and the discussion in Section III above, Anderson et al. do not teach an antibody capable of inhibit complement activation by C2 at a ratio of 1:2 at an inhibition level greater than 50%. Thus, the primary reference does not provide sufficient disclosure to render the claimed invention unpatentable.

Thus, Applicants request that the rejection be withdrawn.

Conclusion

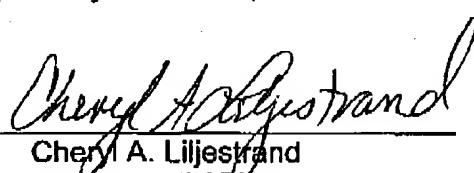
In view of the foregoing amendments and remarks, Applicants submit that the claims are in condition for Allowance and request Rejoinder of Claims 28-30 and 32-35.

Applicants request that the Examiner call the undersigned to address any issues regarding the Rejoined claims to bring the Application into condition for Allowance.

Respectfully Submitted,

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